

Federal Court System

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Criminal	Civil
State prosecutes	Individual, organization, State sues
Warrant/Arrest/Grand Jury/Indictment- Fed system requires Grand Jury!	Serving Complaint
Penalizes- Malum per se/Prohibito	Compensation-
Jail-Loss of Liberty	\$\$\$\$-payback
Automatic Jury Trial right	Maybe Jury
Unaminmous Jury	Majority/Supermajority
Proof beyond Reasonable Doubt	Preponderance of the Evidence
4/24/2010 INTENT GENERALLY REQUIRED	2 NEGLIGENCE OFTEN SUFFICES

When can I go to Court?

- Standing- am I the one harmed?
- Justiciability- is there a remedy?
- Ripeness- Has the event happened?!
 - ◆ NO ADVISORY OPINIONS!
- Resources- Can I get an attorney and/or pay the filing fee?
- What about Class Actions-?
 - ◆ Certified?

STATE v. FEDERAL COURT

- Is a “federal” matter more important? NOOOOOOOOOOOOOOOOOO
OOOOOOOOOOOOOOOOOOOOOOOOOOOO
OOOOOOOOOO—it might be.
- Who chooses the Court?

FEDERAL COURTS

- US Supreme Court
 - ◆ Established by Constitution
 - ★ Appellate v. Original Jurisdiction
- Lesser US Circuit Courts and other
 - ◆ Created by Congress

Federal Court Jurisdiction

- Cases arising out of Federal Questions
 - ◆ Constitutional Law
 - ◆ Federal Laws
 - ◆ Executive Orders
 - ◆ Administrative Rulings
 - ◆ Federal Treaties
 - ◆ Diversity of Citizenship
 - ◆ States v. States

Constitutional Law

- A Party claims that there case involves a Constitutional Question
 - ◆ John is denied admission to the Univ of Michigan and sues the school claiming that his 14th Amendment Equal Protection rights were violated when the school used race as a factor in its admission policy
 - ◆ Beth is arrested for murder and claims that her 4th Amendment rights against improper search and seizure were violated.
 - ◆ Governor Bush sues VP Gore claiming that his 14th Amendment rights to Equal Protection will be violated if Florida recounts only certain districts ballots
 - ◆ State Attorney Generals allege that the Health Care Law violates the 9th Amendment

Cases involving Federal laws

- Laws passed by Congress
 - ◆ Example Casey Martin and the Americans w/Disabilities Act
 - ★ Martin sues US PGA to allow him to use a golf cart on the pro circuit claims that he's protected by the American w/Disabilities Act (NOTE HE'S NOT SUING THE US GOVERNMENT BUT USING A FEDERAL STATUTE TO BASE HIS LAWSUIT)

Executive Orders

- President signs an order and someone effected by the Order begins a lawsuit
 - ◆ Example
 - ★ By Executive Order President Carter freezes Iranian assets after the US Embassy is taken over
 - Lawsuit by a creditor to obtain monies

Administrative Rulings

- An Agency established by Congress and the Executive makes a ruling regarding an issue
 - ◆ Example: Environmental Protection Agency (EPA) determines the amount of Arsenic allowed in drinking water should be reduced. A Town water supply in Arizona is effected and sues
 - ◆ Example: US Parks Service rules that wolves should be reintroduced to Yellowstone Park. A rancher sues the US government maintaining that his cattle will be endangered.

Federal Treaties

- Federal Treaties under the US Constitution become Federal Law and are Supreme to State Law
- US signs a multilateral treaty requiring that when a foreign national is arrested the foreign citizen's home embassy must be notified.
 - ◆ Example: Defendant, a foreign national, is convicted of murder claims that his rights were violated when his embassy wasn't notified

Diversity of Citizenship

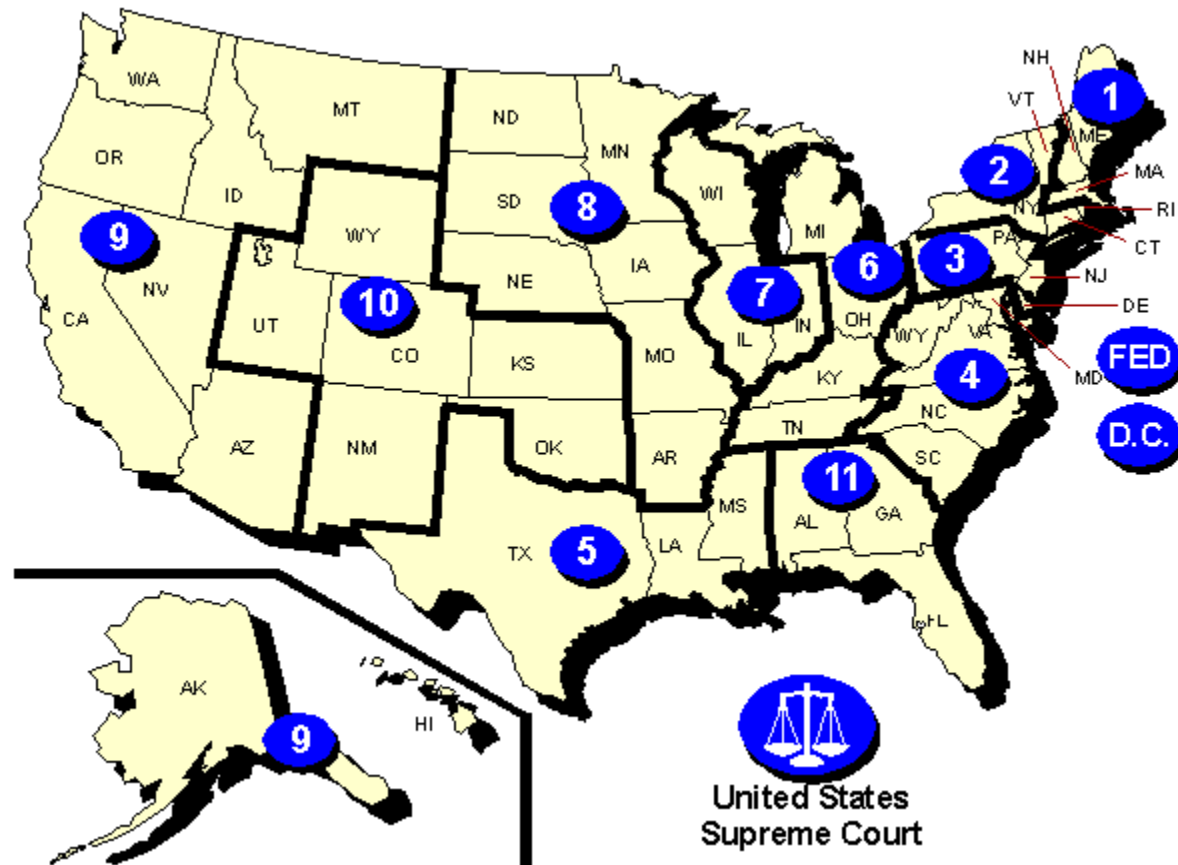
- When a case involves two parties from different States they can choose to begin the case in Federal Court provided the case involves more than \$50,000
 - ◆ *Why did they make this a FEDERAL case?*

Other Cases

- States suing States
 - ◆ NY and NJ have a law suit to help determine who owns Governors Island
 - ◆ RARE—how many times do states argue about borders?

Which Federal Court do I go to?

- Congress divided the US into 12 Circuits
 - ◆ Each Circuit is then divided into parts with at least one Federal District Court in each State.
 - ◆ 90%+ of all cases that start in the Federal System begin in Federal District Court- (there's a bunch of administrative courts)
 - ◆ Federal District Courts are present in most major Cities



Appellate Courts

- Federal Circuit Courts and except in rare cases, the US Supreme Court are Appellate Courts'
- An Appellate Court DOES NOT TRY CASES
- Appellate Courts are designed to review mistakes made at the Trial Court
 - ◆ *Except in rare cases, a trial must have gone to verdict before anything can be appealed*
- By “objecting” an attorney preserves the issue so that it can potentially later be appealed.
 - ◆ Most appellate briefs are generally limited to matters preserved at the trial level

US District Courts

- File the Case in US District Court
 - ◆ Pay the fee
 - ★ If too poor to pay fee, Court can hold the Fee is waived - In Forma Pauperis (true with ALL FILING FEES)
 - ◆ Serve the summons and complaint on the other Party
- In Civil Cases
 - ◆ Suer- Petitioner
 - ◆ Person getting sued? Respondent
 - ◆ Generally an Issue of Liability (fault) and \$\$\$\$\$
- In Criminal Cases
 - ◆ United States is the Plaintiff
 - ◆ Arrestee is the Defendant
 - ◆ Jury Trial is automatic if Defendant can get 1 or more years of incarceration. Only Defendant can waive it.
 - ◆ Unanimous Jury finding required-

US Circuit Courts

- US Circuit Courts are Appellate Courts
- After a trial in US District Court the disgruntled litigant can try to appeal the case to US District Court.
- Some State Court cases can also be appealed to US Circuit Courts
- US Circuit Courts must hear all cases properly filed

US Supreme Court

- File Case with the Court
- Discretionary Jurisdiction
 - ◆ At least 4 judges must certify (grant certiorari) to hear the case
 - ◆ Most cases, 90%+, are not heard
- In most cases only appellate Jurisdiction
- 9 Judges-
 - ◆ Chief Judge runs the Courthouse and when holding with the majority decides who writes the opinion

Common Law OR Case Law

- All lower courts are bound by the decisions determined by higher courts
- US Supreme Court is the highest Court in the US
- Earlier Holdings- Set Precedent (CASE LAW)
- Stare Decisis- NOT A DISEASE- BUT THE COURT'S RELUCTANCE TO OVERTURN ITS OWN PRECEDENT
- If US Supreme Court does not rule on an issue, different States and different Circuit Courts may have different rulings
- Judicial Review- The right of the Court to review the actions of the legislative and executive branches. NOT SPECIFICALLY SET FORTH IN US CONSTITUTION

Law 101

- Petitioner sues Respondent
 - ◆ Claims Jurisdiction under Federal Question or other means
 - ◆ Trial held in US District Court
 - ◆ Jury makes holding
- Unhappy Litigant files Appeal in Circuit Court
 - ◆ Claims Trial Court made an error of LAW (not fact)
 - ◆ Filer-Appellant, other party- Appellee
- Circuit Court
 - ◆ Appellant files fee
 - ◆ Both parties file briefs (reports setting forth the legal arguments with case law to back them up)
 - ◆ Parties make oral argument (not a retrial- no evidence)
 - ◆ Circuit Court makes a decision

Law 101a

- Circuit Court makes holding
 - ◆ Options
 - ★ Reverse lower court on the issue presented with instructions (remand) to Trial Judge. This may require a new trial at the District Court
 - ★ Dismiss the Appellant's Case- Trial Court ruling holds
 - ◆ A set of Judges hear the case and there may be a majority and minority decision
- Disgruntled Party may try to file case with US Supreme Court request's CERTIORARI
 - ◆ Files case with US Supreme Court- BECOMES APPELLANT
 - ◆ Court reviews to determine if this is the "type" of case they should hear.
 - ◆ If the Court says no- prior Circuit Court ruling holds
 - ◆ If 4 of 9 Judges agree to hear the case, case is heard

Meet the Supremes

- 9 Judges they get to ask questions!
 - ◆ Oral Argument (30 minutes each) and a brief is filed
 - ◆ Court makes ruling- A 5-4 decision is as binding as a 9-0 one.
 - ◆ Chief Judge is the “first amongst equals” (ok...that’s supposed to be the Pope)—
 - ★ CJ helps run the Court as a “bureaucracy”, makes sure the trains run on time (ok...that was Mussolini)
 - ★ If CJ is w/the majority---than s/he decides who writes decision
 - ◆ One opinion has to get 5 Judges (if 9 are voting)
 - ★ Concurring Opinions
 - ★ Dissenting Opinions- dissent in Plessy v. Ferguson -> underlying theory for majority in Brown v. Bd of Ed.
 - ◆ Remedies? See above for Appellate Courts

More info?

<http://www.uscourts.gov/faq.htm>

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[For State Court Information](#)

[http://www.jud.state.ct.us/courts.
htm](http://www.jud.state.ct.us/courts.htm)